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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/628,229

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Maurizio Pilu

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EXAMINER

KIANERSI, MITRA

ART UNIT	PAPER NUMBER
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2145

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/628,229	Applicant(s) PILU ET AL.	
	Examiner MITRA KIANERSI	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03272008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07292003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/11/2007-7/29/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed 03/27/2008 have been fully considered but they are not persuasive.

Paragraph [A]: Applicant argues on page 9, lines 10-12, argues that the Banitt et al. (US Patent 5,963,247) fails to disclose the requirements of claim 1 to store visual pictorial media data corresponding to the same visual pictorial media, and for data to be stored on network elements connected to a network. Examiner's reply: Examiner strongly suggests that the applicant read and study the prior art from start to end, because so many of these cited parts depend on their either previous or to the next paragraph following it and the examiner can not cite the whole reference in the office action. To provide you with more information and the fact that the prior art is overcoming the applicant's invention, Banitt et al. discloses a system and method for producing recordings of visual images for visualization on a visual display system displaying three dimensional visual images. The system includes primary and secondary visual image sources, a selection unit and a secondary visual image matching unit. It is obvious that both primary and secondary visual images are stored on a network element that is connected to a network system, because recording includes capturing the visual image with a camera on photographic film, such as motion picture film, as well as capturing the visual image, either permanently in a database or momentarily, in the form of electronic, magnetic, electromagnetic, digital or other signal information which can be reproduced as a visible image on a receiving screen for visualization. Banitt et al. in col 8, lines 1-15 discloses that the primary visual image source stores primary visual images viewing first scenes. The secondary visual image sources store secondary visual images, each of which views scenes which differ from the first scenes. The selection unit selects at least two secondary visual images from the secondary visual image source such that the secondary visual images are compatible with a primary visual image. The matching unit generally matches the selected secondary visual images with the primary visual image.

Paragraph [B]: Applicant argues on page 10, lines 10-12, and argues that there is no disclosure of the primary and secondary images being in first and second network

elements connected to a network, and in line 17 argues that the word “matching” in this instance does not mean the primary and secondary images are identical. Examiner’s reply: Banitt et al. in col 5, lines 44-55 discloses that the method further comprises matching the image sequences to be displayed together so as to reach essentially identical starting and ending times of display for all sequences.

Paragraph [C]: Applicant argues on page 11 discloses the requirement of claim 6 which relates to pictorial saliency. Examiner’s reply: The cited prior art overcomes the applicant invention of the pictorial saliency because it allows the automation at the risk of heavy and lengthy processing and a somewhat smaller than 100% success rate. However Banitt et al. in col 18, lines 43-60 discloses an automatic process which is similar to the various image processing functions described in col lines where step 352 indicates that a precise matching between frames of side and center sequences need to be marked. In particular, the precise starting frame of the shot and the end frame need to be marked. Also, intermediate frames need to be matched, since we cannot assume that the shots are synchronized. The spacing between synchronized frames is dependent on the two shots on the one hand and on the processing time allowed. The synchronization can be done visually or automatically. Both methods are similarly based on minimizing the optical disparity, that is, the way near objects hide far objects, This can easily be done visually by an operator, or automatically.

Paragraph [D]: Applicant on page 11, line 30 argues about the claim 8 and the rostrum path in that is shared between first and second network elements. Examiner’s reply: Banitt in col 11, lines 66-67 and col 12, lines 1-13 discloses that images L and R shares a logical correlation to the subject matter of visual image P in terms of the nature of features, size of objects, etc.

Paragraph [E]: Applicant on page 11, line 12 argues about the claim 9 and that transferring occurring prior to local visual pictorial media data being stored on first and second network elements. Examiner’s reply; claim 10 of the prior art discloses a method comprising recording said at least one secondary sequence of images prior to providing said at least one secondary sequence of images, said recording comprising displaying said main sequence to a cameraperson for visual guidance during the recording of said

at least one secondary sequence of images to enable approximate matching of the movement of images of said at least one secondary sequence of images with the movement of images of said main sequence caused by the motion of the recording device.

Paragraph [F]: Applicant on page 12, line 20 argues that control data set to be transmitted from the second network elements of the first network element via the network, a feature not found in claim 1. Examiner's reply: claim 10 is teaching the same limitation as claim 1, written in a different form or language. Please see paragraph [A].

Paragraph [G]: Applicant on page 13, line 1 argues that no disclosure in any parts of Banitt of network elements connected over a network, nor storing, at a second network element, a copy of visual pictorial media data that is at a first network element.

Examiner's reply: Banitt et al. in col 5, lines 21-26, discloses that one or more of the secondary sequences of images has been recorded (or copied) at a location different from the location at which the main sequence of images has been recorded.

Regarding claims 12-26, it should be noted that if there are words or elements not mentioned in the Banitt reference, does not mean the reference is not teaching it. The Banitt invention relates in particular to visual display systems and methods for displaying three dimensional moving visual images and stimulating the feeling of viewer participation in the displayed motion picture along with a system and a method for producing recordings of the images for display on the visual display systems. Therefore, it is not necessary to mention words like "connected to a network system" in every claim because Banitt's invention relates to methods for acquisition, preparation, processing and display of visual information in general. To be used in a computer networking systems, these functions usually include incorporating PCs, processors, receivers, interface cards for transmitting data, data storage and display elements, etc. to be able to support the operation being claimed as an invention.

Because the arguments with respect to the allowableness of independent claims were found unpersuasive, these same arguments are not persuasive with respect to the other dependent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-26 are rejected under 35 U.S.C. 102 (e) as being anticipated by Banitt ET al. (US Patent No: 5,963,247)

Claim 1: A method of viewing visual media across a network comprising the steps of: the visual indicator for universal port cards is the display of the ports available on each card. Storing respective local visual media data corresponding to the same visual media on first and second network elements connected to the network; (A system and method for producing recordings of visual images for visualization on a visual display system displaying three dimensional visual images are also disclosed. The system includes primary and secondary visual image sources, a selection unit and a secondary visual image matching unit. The primary visual image source stores primary visual images viewing first scenes. The secondary visual image sources store secondary visual images, each of which views scenes which differ from the first scenes. The selection unit selects at least two secondary visual images from the secondary visual image source such that the secondary visual images are compatible with a primary visual image. The matching unit generally matches the selected secondary visual images with the primary visual image. Col 8, lines 1-15)

ii) Creating derived visual media data from the locally stored visual media data with a processing means of the first network element; (motion creator 276 implements the motion of the primary images P onto the stabilized series of secondary images L and R. Col 15, lines 63-66)

iii) automatically generating a control data set representing the derived visual data and corresponding to operations to be performed by a processing means to create the derived visual media data; (It enables the use of computer generated or animated visual images L and R to be used with real-life primary visual images P without detracting from the three dimensionality effects of depth and the feeling of viewer and audience participation. Col 12, lines 31-39)

iv) transmitting the control data set from the first network element to the second network element via the network; (the transition from the display of the main image sequence to that of the secondary image sequences. Col 15, lines 17-20)

v) recreating the derived visual data with a processing means of the second network element by use of the control data set; (Motion creator 276 can be any unit which transforms a series of stabilized images into one having a motion defined by a set of motion parameters. Motion detectors, Col 16, lines 5-8)

vi) displaying the local visual media data in accordance with the derived visual media data upon viewing means of the second network element. ((35) a soundtrack (step 303, FIG. 10 is prepared to accompany the visual display such that its playback through speakers 114 and 116 of system 100 can be employed to enhance the effect of three dimensionality in general and the feeling of space and viewer and audience participation in particular. Col 14, lines 44-50)

Claim 2: A method in which the step of creating the derived visual pictorial media is performed automatically. The synchronization can be done visually or automatically. (the synchronization can be done visually or automatically).

Claim 3: A method wherein the step of creating the derived visual pictorial data comprises selecting a portion of the locally stored visual pictorial media data corresponding to a portion of the visual pictorial media. (Selected secondary visual images to the timing of a series of primary visual images. The motion matcher matches the camera motion in the series of selected secondary visual images to the camera motion of a series of primary visual images. Col 7, lines 25-40)

Claim 4: The method further comprising displaying the portion of the locally stored visual pictorial media upon viewing means of the first network element substantially synchronously with the displaying of step (vi). One of the key novelties of the present invention is that it allows images to be displayed that were not recorded in the precise coordination or synchronization that is required of images that need to be displayed. Col 10, lines 49-52)

Claim 5: A method in which the visual pictorial media data stored on the first and second elements are identical. (The unprocessed secondary visual images L and R are processed by secondary visual image processing apparatus 216 for matching secondary visual images L and R with primary visual image P. col 14, lines 17-30)

Claim 6: The method comprising using visual pictorial saliency techniques to select the portion of the visual pictorial media automatically. Col 7, lines 25-40)

Claim 7: The method comprising including in the automatically generated control data set spatial and temporal locational information detailing a subset of video visual pictorial media. (source 206 can include a library of visual images in the form of pre-prepared computer generated or animated scenes or computer graphic routines for preparing objects such that a custom-made montage can be prepared to match primary visual image P. col 11, 66-67 and col 12, lines 1-13)

Claim 8: The method comprising sharing a rostrum path between the first and second network elements. (It should be understood that "tends to match" entails that the subject matter of visual images L and R shares a logical correlation to the subject matter of visual image P in terms of the nature of features, size of objects, etc. col 11, lines 66-67 and col 12, lines 1-13)

Claim 9: The method comprising transferring visual pictorial media data from the first network element to the second network element prior to step (i), (Fig. 2C

Claim 10: This claim teaches the same limitation as claim 1 and is rejected by the same rational.

Claim 11: A visual pictorial media viewing system comprising first and second network elements connected over a network; the first network element (a) storing visual pictorial media data, automatically selecting a portion of the visual pictorial media data, processing said portion of the visual pictorial media data, generating a control data set, element over the network; the second network element receiving the control data set from the first network element, ring a copy of the visual media data processing the received and the visual pictorial media data and displaying an a pictorial image corresponding to the processed visual pictorial media data; the control data set including col 10, lines 49-52 and (a) information relating to the location of said portion within the locally stored copy of the visual pictorial media data col 15, lines 63-66 and(b) processing instructions relating to on generating and display of displaying the pictorial image generated from said portion upon on the display second network element arranged for displaying the pictorial image corresponding to the processed visual pictorial media data. Col 14, lines 44-50)

Claim 12: A visual media viewing system wherein the control data set is smaller than the portion of the visual pictorial media data. (a rather small percentage of the original material that was recorded is present in the edited product, and it was cut and pasted many times until it received it final appearance. Col 15, lines 18-27)

Claim 13: This claim teaches the same limitation as claim 4 and is rejected by the same rational.

Claim 14: A visual media viewing system provided further including a third network element connected to the network, including viewing means and a data store arranged to store said visual pictorial media locally, and the first network element is arranged to transmit the control data set to the third network element such that said viewing means is arranged to substantially synchronously display (col 10, lines 49-52) a) the portion of the visual pictorial media that are stored locally, with (b) the display of the portion of the visual pictorial media upon the second network element. Col 15, lines 63-66)

Claim 15: This claim teaches the same limitation as claim 1 and is rejected by the same rational.

Claim 16: A network element wherein the information contained in the control data set comprises information relating to the location of a portion within the visual pictorial media data and processing instructions relating to a pictorial image corresponding to said portion of the visual media data from the local copy of the visual media stored on the remote network element. Col 8, lines 1-15)

Claim 17: This claim teaches the same limitation as claim 4 and is rejected by the same rational.

Claim 18: A network element wherein the selector is arranged to automatically select a portion of the visual pictorial media data in response to a user selection of a region of a pictorial image formed from the visual pictorial media data. Col 7, lines 25-40)

Claim 19: This claim teaches the same limitation as claim 6 and is rejected by the same rational.

Claim 20: A network element wherein the control data set includes details of transitions between pluralities of automatically selected portions of visual pictorial media. (source 206 can include a library of visual images in the form of pre-prepared computer generated or animated scenes or computer graphic routines for preparing objects such that a custom-made montage can be prepared to match primary visual image P. Col 14, lines 17-30)

Claim 21: A network element wherein the selector is arranged to select the portion of the data in response to a prompt from a remote network element. Col 7, lines 25-40 and col 11, lines 66-67 thru col 12, lines 1-13)

Claim 22: A network element comprising: a receiver for receiving a control data set from a remote network element across a network, a data store for locally storing visual pictorial media data, a display for displaying an image stored in the data store, the received control data set including (a) information relating to the location in the data store of a portion of the visual pictorial media data and (b) processing instructions relating to the generation and display of a pictorial image of said portion from the locally stored visual pictorial media data upon the display, and processor coupled with the receiver, data store and display for supplying a portion of the locally stored visual pictorial media data to the display based on the location information and the processing instruction in the received control data set. Banitt et al disclosing a system and method for producing recordings of visual images for visualization on a visual display system displaying three dimensional visual images which includes primary and secondary visual image sources, a selection unit and a secondary visual image matching unit. The primary visual image source stores primary visual images viewing first scenes. The secondary visual image sources store secondary visual images, each of which views scenes which differ from the first scenes. The selection unit selects at least two secondary visual images from the secondary visual image source such that the secondary visual images are compatible with a primary visual image. The matching unit generally matches the selected secondary visual images with the primary visual image. Col 8, lines 1-15)

Claim 23: A network element wherein the control data set includes processing instructions relating to displaying the pictorial image on the network element synchronously with displaying a pictorial image on the remote network element, the pictorial image on the remote network element being the same as the locally stored visual media data. (unprocessed left and right secondary visual images are selected using selection apparatus 207 and retrieved from a secondary visual image source 206 having subject matter compatible with primary visual image P and displayed on left and right side screens 208 and 210. Col 14, lines 18-21)

Claim 24: A program storage device readable by a machine encoding a program of instructions which when operated upon the machine causes the machine to operate as a network element according to claim 15. The program detects the common margin, and solves for the projective transformation that minimizes the discrepancies between this common parts in both images. Also see col 15, lines 67-68 and col 16, lines 1-8)

Claim 25: A network element comprising a data store for storing visual pictorial media data, an image processor for automatically selecting a portion of the visual pictorial media data, a central processor for generating a control data set including the location of said portion within the visual pictorial media data and Information relating to the processing of the data by the image processor, a network interface card for transmitting the control *data* set, over a network, to a second network element having a. locally stored copy of the visual pictorial media data thereon and a screen for synchronously displaying a) a pictorial image corresponding to the portion of the data with the second personal computer. Banitt discloses a system that employes network elements like Motion detectors 270 and 272 that can be any suitable elements, FIG. 9 which illustrates the elements of the motion matcher 234 and FIG. 5 which illustrates the elements of the secondary visual image processing apparatus 216. Also see, col 15, lines 17-20, Col 10, lines 49-52, col 14, lines 44-50, col 16, lines 5-8 and control data set)

Claim 26: A network element comprising a network interface card for receiving a control data set from a remote network element across a network, a data storage device for locally storing visual pictorial media data, a processor for processing the received control data set and the visual pictorial media data processing apparatus or (image processing tools 57), and a screen for displaying a pictorial image corresponding to the processed visual pictorial media data, where the received control data, col 7, lines 25-40) including (a) information relating to location of an automatically selected portion of the visual pictorial media data, col 11, lines 66-67 and col 12, lines 1-13) and b) processing instructions relating to generating and synchronously displaying (a) a pictorial image of said portion from the locally stored visual pictorial media data upon the screen with col 10, lines 49-52 (b) its display on the remote network element, the processor being coupled with the network interface card, the screen, the data storage device and the

display for causing the screen to automatically display the local selected portion of the visual pictorial media data, synchronously with display of the locally stored visual pictorial media data with display thereof at the remote network element. (The synchronization can be done visually or automatically. Both methods are similarly based on minimizing the optical disparity, that is, the way near objects hide far objects, This can easily be done visually by an operator, or automatically using widely known image processing tools, which allow automation at the risk of heavy and lengthy processing and a somewhat smaller than 100% success rate. Col 18, lines 44-60)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE Any inquiry concerning this communication or earlier communications from the examiner should be directed to MITRA KIANERSI whose telephone number is (571)272-3915. The examiner can normally be reached on 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cordone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mitra Kianersi
06/29/2008

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145